



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,566	10/29/1999	LAURENCE WAYNE CLARKSON	7000-044	8874

27820 7590 07/30/2003

WITHROW & TERRANOVA, P.L.L.C.
P.O. BOX 1287
CARY, NC 27512

EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
----------	--------------

2172

18

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/431,566

Applicant(s)

CLARKSON ET AL.

Examiner

HUNG Q PHAM

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 47-70 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 47-48, 50-61, and 63-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inniss et al. [USP 5,539,808] in view of Fenton [USP 6,445,697 B1].

Regarding to claims 47 and 59, Inniss teaches a method and system for enhancing the processing of audio messages (Inniss, Abstract). As shown in FIG. 2 is the process of creating a selectable audio message such as a spoken salutation, which identifies the originator and his or her telephone number or address. At the end of the process, illustrated by block 46, an audio message with associated attributes could be created by a user to update the user's configuration repository (Inniss, Col. 4, lines 1-61), which indicates *a centralized database comprising a plurality of audio segments, said audio segments comprising announcements to be played to the end user of the telecommunication network*. As shown in FIG. 3 is the process of creating and distributing of a primary message in association with a designated selected audio message. At block 56, a user designates selectable audio messages from configuration repository to append to primary audio message, and the designated selectable audio messages are appended to primary audio message at step 60. The process then passes to block 66, which depicts a distribution of a data stream, which includes the primary message, the designated selectable audio messages and the digital representation (Inniss, Col. 4, line 62-Col. 6, line 6). As seen, the process of distributing the primary message appended by designated selectable audio messages performed the claimed *an audio package builder/export tool adapted to access the centralized database; construct an audio package*

from audio segments in the centralized database; and export the audio package. As shown in block 62 of Inniss FIG. 3 is the appending of a digital representation to the primary message. The digital representation comprises a digital pattern, which may be utilized by a recipient of the primary message to locate the address of the configuration repository or a correlation repository associated with the originator of the primary message. In this manner a recipient of an audio or multimedia message may utilize the appended digital representation to selectively retrieve additional information regarding the message or the originator of the message (Col. 5, lines 25-40). As shown in Inniss FIG. 4, in the event the recipient request a search within the correlation repository, the process passes to block 88, which illustrates the creation of a search request by the recipient to retrieve the description attributes associated with the particular primary message. This search request may be made by depressing a key or combination of keys of telephone 16 of FIG. 1 or by utilizing an associated computer 12. The recipient does not need to obtain any information from the originator and does not need to obtain any information regarding the originator prior to making a search request as all information needed to locate the originator's correlation repository is contained within the digital representation, which has been associated with the primary message. The results are reported to the recipient and typically contain the description attributes of the selectable audio messages in the correlation repository of the originator of the message and their associated selection numbers (Inniss, Col. 6, lines 23-65). As seen, the digital representation, which appended to the primary message, contains reference information for locating the messages to retrieve the information regarding to the messages. This

technique performs the function of the claimed index file for *indicating* to the recipient *where in the audio package an audio segment may be located*. Inniss fails to teach *a gateway* is the recipient of the audio message. Fenton teaches a method and system of communication of audio signals between a circuit-switched telephone network and a packet-switched data network. As shown in Fenton FIG. 1-2, gateway 20 communicates with both a circuit-switched network 22 and a packet-switched network 24. For the audio packets received from packet-switched network 24, the gateway assembles the audio packets into a data stream, decompresses the data stream, and outputs the decompressed data stream onto phone network 22 (Fenton, Col. 4, lines 6-14; Col. 2, lines 9-25). Thus, a gateway is obviously a device for receiving an Inniss primary message and its associated information when the message is sent to a recipient of circuit-switched telephone network. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss system and method by sending the audio data to a gateway, and by doing this, an audio message could be searched, retrieved by a recipient in a circuit-switched telephone network.

Regarding to claims 48 and 61, Inniss and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *a catalog file within the audio package, said catalog file comprising information selected from the group consisting of: announcement title, phrasing, prompt text, voice talent, language, code, format, group, release notes, check data, and date recorded* (Inniss, FIG. 6-7).

Regarding to claims 50 and 63, Inniss and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Fenton further disclose: *audio package bolder/export tool exports the audio package to the gateway over a packet based network* (Fenton, FIG. 2; Col. 4, lines 6-14; Col. 2, lines 9-25).

Regarding to claim 51, Inniss and Fenton teaches all the claimed subject matters as discussed in claim 47, Inniss does not explicitly disclose: *the system is adapted to operate on a provisioning server*. However, as shown in FIGS. 1-2, computer 12 is designated to receive and transmit audio messages to recipient at another location within network 18. This indicates a provisioning server. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss and Fenton system and method by using computer 12 as a provisioning server in order to transmit audio messages to recipient at another location.

Regarding to claims 52 and 64, Inniss and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *audio segments comprises a unique audio identifier* (FIG. 6, Col. 9).

Regarding to claims 53 and 65, Inniss and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *audio package*

builder/export tool is further adapted to present a graphical user interface to a user such that the user may select audio segments to be placed in the audio package (FIG. 6, Col. 9).

Regarding to claims 54 and 66, Inniss and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss and Fenton fails to disclose: *audio segments file comprises a subset of the audio segments in the centralized database.* However, a folder to contain files that have the same characteristics for categorizing data within a data store is well known in the art such as the Window 95 file system. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss system and method by using folder for containing audio files in order to categorize audio file in an audio database.

Regarding to claims 55 and 67, Inniss and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses the technique of *adding audio segments to the audio package (FIG. 3).* Inniss does not teach the technique of *deleting audio segments from the audio package; and locking the audio package.* However, deleting and locking a file is a well-known technique in the art as in the Window 95 file system. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss system and method by including the technique of deleting and locking audio segments from the audio package in order to have a user-friendly system.

Regarding to claims 56 and 68, Inniss and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *audio package builder/export tool is further adapted to track a version number of any audio packages created with the audio package builder/export tool* (Col. 5, lines 35-53).

Regarding to claims 57 and 69, Inniss and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *audio package builder/export tool is further adapted to export the audio package to the gateway by preliminarily exporting the audio package to an intermediary storage location within a provisioning server* (Col. 5, lines 35-53).

Regarding to claims 58 and 70, Inniss and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *audio package builder/export tool is further adapted to export the audio package to the gateway by exporting the audio package to a portable computer readable storage medium* (FIG. 1).

Regarding to claim 60, Inniss and Fenton teaches all the claimed subject matters as discussed in claim 59, Inniss further discloses the step of *provisioning the centralized database with audio segment* (FIG. 2).

4. Claims 49 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inniss et al. [USP 5,539,808] in view of Fenton [USP 6,445,697 B1] and Baber et al. [USP 6,279,041 B1].

Regarding to claims 49 and 62, Inniss and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, but fails to disclose: *index file is adapted to map audio identifier of the audio segment to an offset and length of the audio segment within the audio package*. Baber teaches a method of communication between devices over a network and further discloses *index file is adapted to map identifier of the segment to an offset and length of the segment*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss and Fenton method by mapping an audio identifier of the audio segment to an offset and length of the segment in order to search and retrieve indexed information in an index file.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers

Art Unit: 2172

for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham
July 22, 2003



JEAN M. CORRIELUS
PRIMARY EXAMINER